



Crl.OP(MD).No.3976 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 26.03.2026

CORAM:

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

Crl.OP.(MD)No.3976 of 2026
and
Crl.M.P.(MD).No.4302 of 2026

N.Govindharaj

...Petitioner/ Accused

Vs

M/s.Standard Fireworks Pvt., Ltd.,
Through its Power Agent,
Amose Jeysingh,

... Respondent

PRAYER: Criminal Original Petition is filed under Section 528 of BNSS Act, to call for the records and set aside the order passed by the Judicial Magistrate No.1, Sivakasi in Crl.M.P.No.3 of 2025 in STC.No.447 of 2025 dated 15.12.2025 and set aside the same as illegal and pass such further or other orders.

For Petitioner : M/s.J.Jeyakumaran

For Respondent : Mr.G.Mariappan



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ORDER

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The present petition has been filed by the accused person in STC.No.447 of 2025, challenging the dismissal of the application filed under Section 145(2) of Negotiable Instruments Act and Section 243 of Cr.P.C./Section 266 of BNSS.

2. The petitioner herein is an accused in the above case initiated under Section 138 of the Negotiable Instruments Act. As per the case of the complainant, the complainant is a manufacturer of fireworks and had supplied certain goods to the accused, for which some amount remained due. Therefore, the company and the accused entered into an agreement on 24.04.2018, under which the accused is said to have handed over 12 cheques in favour of the representative of the company. Out of the 12 cheques, three were presented by the company, and all three were dishonoured. Consequently, the present summary trial case has been initiated by the company.

3. According to the accused, the agreement as well as the cheques were obtained from him on 24.04.2018 by coercion at the police station. He further submits that the authorization in favour of Amose Jeysingh to initiate criminal proceedings was granted only at a later date and not on the date of the agreement, i.e., on 24.04.2018.



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4. The present petition has been filed by the accused to examine the Director of the company as well as the former agent, in order to establish that they had not authorised Mr. Amose Jeysingh to enter into the agreement dated 24.04.2018. However, the said application was dismissed, and challenging the same, the present petition has been filed.

5. According to the learned Counsel for the petitioner, unless he is able to establish that Mr. Amose Jeysingh was not authorised by the company to enter into the agreement, he will not be in a position to succeed in the case; therefore, they have to be examined as additional witnesses on behalf of the accused.

6. Per contra, the learned Counsel for the respondent submitted that only Mr. Amose Jeysingh had entered into the agreement on behalf of the company and he has already been examined. He further pointed out that two of the attestors have been examined on the side of the accused, and they have stated that the agreement was not entered into under any coercion or threat at the police station. He also submitted that the Director of the company and the former agent have no connection whatsoever with the execution of the agreement or the issuance of the cheques. In such circumstances, there is no necessity to examine them as additional witnesses.



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7. Heard both sides and perused the materials available on record.

8. The execution of the agreement dated 24.04.2018 and the issuance of the cheques on the said date are not disputed by the accused. However, he contends that the agreement and the cheques were obtained under the coercion at the police station. It is the further case of the petitioner that, on the date of the agreement, Mr. Amose Jeysingh was not authorised by the company.

9. Therefore, this Court is of the considered opinion that it is for the complainant to establish whether Mr. Amose Jeysingh was duly authorised by the company. In such circumstances, the question of examining the Director of the company or the former agent at the instance of the accused does not arise. Hence, the trial Court has rightly rejected the application.

10. In view of the above, this Court does not find any merit in this petition, and the same is liable to be dismissed. Accordingly, this Criminal Original Petition is dismissed. Consequently, connected miscellaneous petition is closed.

26.03.2026

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NCC : Yes/No
Index : Yes/No
Internet: Yes/No
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To:

The Judicial Magistrate No.1, Sivakasi.



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R.VIJAYAKUMAR, J.

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